

LOWER PAXTON TOWNSHIP  
PLANNING COMMISSION

March 14, 2007

**COMMISSIONERS PRESENT**

Fredrick Lighty  
Ernest Gingrich  
Dennis Guise  
Roy Newsome  
Richard Beverly  
Betsy Sibert  
William Neff

**ALSO PRESENT**

Jim Snyder, HRG  
Chip Millard, Dauphin County  
Dianne Moran, Planning & Zoning Officer  
Lori Wissler, Planning & Zoning Officer

**Call to Order**

Mr. Lighty called the regular meeting of the Lower Paxton Township Planning Commission to order at 7:03 pm, on March 14, 2007 in Room 171 of the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

**Pledge of Allegiance to the Flag**

Mr. Gingrich led the recitation of the Pledge.

**Approval of Minutes**

Mr. Newsome made a motion to approve the minutes of the February 21, 2007 meeting, with one correction as noted, and the minutes were unanimously approved.

**Greenway Committee Presentation**

Mr. Chris Johnston, Chairman of the Lower Paxton Township Greenway Committee, thanked the Planning Commission for having him attend their meeting and provide insight regarding the greenway planning study that is currently underway.

The Township completed a Comprehensive Plan a number of years ago, in that Comprehensive Plan and throughout the various sections the public continued to echo two very strong themes: access to green space, and safe facilities for walking and bicycling.

This is why they are now engaged in a study looking at where some of those areas might exist within the Township. Land in the Township is becoming very valuable to residential and commercial developers. The greenway study is attempting to identify corridors that can be preserved for future public use.

The Township Supervisors authorized the creation of the Greenway Committee which has representation from the Parks & Recreation Board, Planning Commission, Shade Tree Commission, Sewer Authority, and two at-large citizen volunteers. This Committee has been charged with managing the work of the consultant to ensure that specific elements of the study address the following:

1. A greenway plan that is realistic and utilizes as much possible existing public corridors to make safe connections and to limit possible impacts with property owners.
2. Identify greenway corridors that can be incorporated into ongoing planning for future transportation corridors.
3. Develop example ordinances and tools that can be used by the Township and the Planning Commission to encourage future residential and commercial developers to consider trails, connections, and green space in the plans they submit for review and approval.
4. Identify potential state and federal resources available to implement several greenway projects.

Mr. Johnston provided the following examples of each area they expect to be part of the final study recommendations:

1. Identify walkable connections from existing sidewalk systems to nearby parks and identify specific improvements to create these linkages in these areas.
2. Review the potential for a greenway corridor along Nyes Road and coordinate with PennDOT so the engineering and design process incorporates and accommodates facilities for pedestrians and cyclists.
3. Develop example ordinances and incentives that can be used for the inclusion of trails and green space in future developers' plans submitted to the Township.

The overall effort is very sensitive to the issues associated with the location of these potential trail connections and this is why they are seeking only those areas in existing corridors. Those areas can be enhanced, promoted, and improved to make it safer to be traveled by pedestrians and cyclists.

Mr. Johnston noted this is the first step in the process of making these connections possible. Once the study is complete, the next task will be to find funding, preliminary design, final design, and ultimately construction. Many of the proposed corridors will take multiple years to be realized. However, the short term benefits can be used by the Planning Commission as they work with developers to incorporate trails, trail links, and usable green space in subdivision and land development plans.

Mr. Neff asked if the Committee is looking at the trail system on top of Blue Mountain. Mr. Johnston answered yes, noting that they are looking at the old Darlington Trail Connection, and the possibility of some right-of-way that connects Hocker Park to Boyd Big Tree Preservation. Mr. Neff noted there was a development plan for that area and the Township did not have the tools to require an easement. Mr. Neff asked if the Greenway Committee will draft sample ordinances. Mr. Johnston answered yes, and the Committee will bring the draft or final plan to the Planning Commission for review.

**OLD BUSINESS**

**Preliminary Subdivision & Land Development Plan #06-42**  
**Stray Winds Farm**

Ms. Moran stated that the Township has received a preliminary plan for Stray Winds Farm. The property is north of Paxton Church Road at its intersection with Crums Mill Road. Crums Mill Road bisects the western portion of the property, north to south. McIntosh Road bisects the central portion of the site from east to west. The site encompasses 303.31 acres. Lower Paxton Township contains 243.63 acres of the development and it will be served by public sewer and public water. The applicant provides 110.53 acres (45.4%) of open space area within Lower Paxton Township. There are 161 single family detached lots, 192 single family detached condominiums, and 96 single family townhouses proposed.

The portion of property in Lower Paxton Township was rezoned from R-1 to RC, Residential Cluster on July 18, 2006, per Township Ordinance 2006-06.

On July 27, 2006, the Zoning Hearing Board granted a variance to allow 449 units in Stray Winds Farm via Docket #1214.

On January 10, 2007 the Planning Commission tabled the plan. Revised plans were submitted and reviewed by Staff, HRG and County.

Mr. John DiSanto, developer, and Bob Fisher of RJ Fisher and Associates, 1546 Bridge Street, New Cumberland, were present on behalf of the plan.

Mr. Fisher confirmed that he received the comments generated by Township Staff, HRG, and Dauphin County.

Mr. Fisher stated that the applicant has addressed a number of the comments, such as the steep slopes which required changes in the design. A HOP plan has been completed for the improvements to the intersection of McIntosh Road at Colonial Road.

Mr. Fisher did not have a problem addressing the staff comments and most of the HRG comments. He will work them out with Mr. Snyder, but did not foresee a problem.

Mr. Lighty asked the number of units shown on the revised plan. Mr. Fisher stated 449 units, in accordance with the variance granted. Mr. Lighty asked if that variance is under appeal. Mr. Fisher deferred to Mr. DiSanto.

Mr. Neff asked about the variance appeal. Mr. Pete Leone, Triple Crown Corporation, stated that a resident, Mr. Snyder, filed an appeal of the Zoning Hearing Board's decision.

Mr. Neff asked for an update on the Susquehanna Township portion of Stray Winds Farm. Mr. Fisher stated they did go before the Susquehanna Township Commissioners. They discussed a number of waivers, and they were in agreement with the waiver requests. The applicant has not addressed their comments yet, and is focusing on Lower Paxton Township at this time since the first phases are in Lower Paxton.

Mr. Neff asked about the 449 units, and if they are in Lower Paxton Township. Mr. Fisher stated that is correct and noted that the total number of units is 523.

Mr. Neff asked if the roads in Susquehanna Township were amended from the last drawings shown to Lower Paxton Township.

Mr. Millard had no further comments on this plan.

Mr. Lighty called for comments from the audience.

Mr. Eric Epstein, Stray Winds Area Neighbors (SWAN) chairman, thanked Triple Crown Corporation for working with them. The variance was granted with some general conditions. 449 units were to include 53% age restricted housing. Triple Crown Corporation went out of their way to address traffic concerns at McIntosh Road at Colonial Road, and McIntosh at Crums Mill Road. In addition to that, Triple Crown Corporation agreed to increase the buffer near Haven Croft Road from 50 to 70%. Triple Crown Corporation agreed to not seek condemnation for Hillsdale, Valleyview and Woodcrest Roads. They were very flexible with letting SWAN redesign lot 6. SWAN acknowledges and appreciates Triple Crown Corporation's work in those areas. The open space was increased to 45%. The plan is better for those that live around the community because of the collaboration.

Mr. Gingrich asked Mr. Snyder for his opinion on the waiver requests. Mr. Snyder first addressed the waiver request for curb, sidewalk and widening. Triple Crown Corporation is realigning the intersection of Crums Mill Road and McIntosh Road, however there are large portions of that that they are asking to keep the same. Crums Mill Road has a cartway of 21 feet with virtually no shoulder. McIntosh Road has a cartway of about 18 feet with no shoulders. McIntosh Road has significant slopes on a portion, and a lot of mature vegetation that would have to be removed, and a bridge. This roadway needs to be looked at closer, and Mr. Snyder offered to work with the engineer to find a middle ground or best approach. The waiver request for Paxton Church Road is reasonable as requested.

Mr. Newsome asked about the intersection at McIntosh and Crums Mill Road, and if there is some reason curbing would not be possible at that intersection. Mr. Snyder did not feel there was any physical reason to not install curbing, however they are realigning the intersection and changing the profiles to some degree. Mr. Fisher noted that they are smoothing out the intersection and T'ing McIntosh into Crums Mill Road. There are steep embankments on both sides of the street, one going up and one going down to the creek. There is no room for widening, unless you strip out the trees. Throughout the Zoning Hearing Board hearing and the conditional plan approval, they have indicated that they are spending the bulk of the money that would have been spent on these intersections, on

other issues like the over-verticals, improving the intersecting roads, and other improvements. They are then spending the money at Colonial and McIntosh Roads.

Mr. Newsome's concern is defining the intersections and he asked if the intersection at Crums Mill and McIntosh Roads is going to be curbed. Mr. Fisher answered no. Mr. Snyder noted that widening goes with the curbing, even if only 2 feet. Mr. Fisher was agreeable to curbing and minimal widening if it is only at the intersections.

Mr. Snyder asked for the locations where the applicant is requesting to use slant curb instead of vertical curb. Mr. Fisher stated it is proposed in the area of the single family detached condominiums and the townhomes, because it helps with the intersections and driveways. It has also been proposed in the single family detached conventional homes as well. The intersections can be conventional curbing if that is the Township's desire.

Mr. Snyder stated that waiver #3 refers to stormwater calculations and he recommended granting this waiver.

Mr. Snyder recommends that waiver #4 be granted, provided that the applicant can demonstrate that their residual storage in the basin will infiltrate or otherwise drain from the basin before stagnating. Mr. Fisher proposes to put in an underdrain. Mr. Neff asked if that can be determined by the soil type. Mr. Snyder answered yes, and the plan does indicate the soil types. Mr. Snyder asked Mr. Fisher to talk about the NPDES permit. Mr. Fisher stated that a low flow channel ensures that water comes from one end of the pond to the other, but they would like to infiltrate as much as possible and eliminate that channel. They will provide an underdrain to the pond so the water does not stand for long periods of time. Mr. Snyder stated it is up to the applicant to demonstrate that the infiltration can occur. Mr. Fisher noted they have done perc tests.

Mr. Snyder stated that waiver #5 ties to the curb waiver, and should follow with it.

Mr. Snyder noted that waiver #6 is to allow planted islands in the cul-de-sacs and to allow boulevard entrances with landscaping. Mr. Snyder supports the waiver provided there is a legal entity responsible for the ongoing maintenance, not the Township. The applicant does propose a homeowners association to cover those provisions. Mr. Leone stated that these plantings will be covered by the HOA. Mr. Snyder noted they also have to demonstrate that the larger emergency vehicles can maneuver through the cul-de-sacs.

Mr. Neff asked for the diameter of the cul-de-sac islands. Mr. Fisher stated the standard cul-de-sacs are the standard diameter, and the ones that are not the standard shape have a larger diameter. The islands also have slant curbing so the vehicles could get over them if they needed to.

Mr. Neff stated he supports the planted islands, and asked if there should be curbing around it. Mr. Fisher agreed.

Mr. Snyder noted that he recommends granting waiver #8, noting the request is to minimize the impact on existing wooded buffer areas and features.

Mr. Snyder stated that waiver #9 is reasonable given the nature of the development.

Mr. Snyder felt that waiver #10 is reasonable provided the labeling with respect to the elevations is cleared up. Mr. Fisher will provide the information to Mr. Snyder, and noted that the lowest basement elevation is about 7-8 feet above the top of the bank elevation and felt that there was adequate height above the stream, but will comply. Mr. Snyder noted they are outside the defined flood plain.

Mr. Fisher did not have any problem working out the rest of HRG's comments.

Mr. Neff asked Ms. Sibert if this is an opportunity to connect this area to the greenways. Ms. Sibert stated this is being taken into consideration. Mr. Neff asked where it was noted on the plan. Mr. Fisher noted there is nothing being built in the stream corridor and it will remain in its existing condition. Mr. Neff noted that this is the time if they are interested in easements. Mr. Epstein noted that the Paxton Creek Watershed Association was not interested in disturbing that area.

Mr. Guise made a motion to recommend approval of the plan subject to the following conditions: (1) the variance appeal be resolved in favor of the number of units shown; (2) recommend approval of the waiver of curb and sidewalk, however, recommend disapproval of, in-so-far-as it applies to curbing at the intersection of Crums Mill Road and McIntosh Road recommending standard vertical curb at the intersections, recommend approval of waiver numbers 3, 4, 5, 6, and 7 (subject to documentation that the homeowners association will maintain the planted areas), 8, 9, and 10; and (3) resolution of the comments. Mr. Gingrich seconded the motion. Mr. Neff asked if the curbs at the planting islands will be vertical. Mr. Guise answered no, only at the intersections. Mr. Guise noted that his recommendation for the waiver of the curb and sidewalks applies to both public and private streets. A unanimous vote followed.

**Rezoning Request**  
**Lawrence W. Conjar**

Ms. Moran stated that the Township has received a request to rezone the property located at 6500 Union Deposit Road from AR, Agricultural Residential District to an Open Space Development Overlay District. The intent is to develop an eighteen residential lot development. The minimum lot size proposed is 20,000 square feet. The open space area of the plan includes 6.80 acres, or 40%.

The applicant previously went to the Supervisor's workshop meeting to discuss the amendment to the Act 537 Plan and a decision will be made on that at the next Board meeting.

Tim Wakefield and Mike Mazacarro were present on behalf of the rezoning request.

Mr. Wakefield, Act One, 200 S. 41<sup>st</sup> Street, Suite A, Harrisburg, stated that he submitted a lot consolidation plan to join two lots of about nine acres each to make one tract of 19 acres. They need the 19 acres to comply with the 10 acre minimum for an open space option. Mr. Wakefield presented

an aerial photograph of the site and the preliminary plan showing the lots. Mr. Wakefield had the comments from February 7 and County comments from February 5<sup>th</sup>, and comments from Bill Weaver regarding the sewer issue. This plan requires public sewer, so they will be seeking an Act 537 Amendment. Regardless of the density of the project, they would be seeking the Act 537 Plan Amendment because the area is not suited for on-lot sewer and public sewer is nearby.

Mr. Lighty asked if it is not suited because they want smaller lot sizes. Mr. Wakefield stated it is because on-lot sewage requires a primary and an alternate site, and public sewer is very close, and it is preferred. Mr. Lighty stated it is not included in the Act 537 Plan, and capacity in that area of the Township is in high demand.

Mr. Lighty asked Mr. Wakefield to convince the Commission to rezone the land to open space. Mr. Wakefield directed the Commissioners to the aerial photo, and the very wooded area and pond, and development adjacent near it. No matter how they develop the lot, the most valuable resource on the site is the wooded area. If they do a traditional subdivision, the lots would be 1 ½ acres and a road, then the woods disappear. Many developers would just go in and clear cut the land.

Mr. Lighty asked how they know someone won't go log the site tomorrow. Mr. Wakefield agreed you don't know that. Mr. Lighty asked if the same would be true whether or not it is an open space district. Mr. Wakefield answered no, because he will have to give that open space over to a separate entity. Mr. Lighty asked if that entity could log it if they wanted to. Mr. Wakefield answered no because that is the area they have to preserve. They will have to set up a perpetual maintenance for the area, same as if it were steep slope, wetlands, wooded area, views, et cetera. It has to be preserved and maintained, and it will be a legally binding entity that will maintain that.

Mr. Lighty asked if there will be a conservation easement. Mr. Wakefield stated that land is out, and not counted toward lot space. The lots will be 20,000 with 90 foot frontage, but that open space area is out. The residents do not get to control that.

Mr. Guise asked how they meet the requirement that half of the open space be in one lot. Mr. Wakefield stated he can meet the requirement with the exception of the street going through the middle, but the ordinance allows that.

Mr. Guise asked if there will be a separate lot created for the open space and who will own it. Mr. Wakefield stated that a homeowners association, being a separate entity, will own the lot.

Mr. Guise stated that the gray area on page two looks like it is part of the lots. Mr. Wakefield stated that that is erroneous. Mr. Guise asked how they can meet the 20,000 square feet lots if they do not count the wooded areas. Mr. Wakefield stated he can meet the minimum lot size.

Mr. Wakefield stated they want to preserve the wooded area, and noted it will not be a recreational area.

Mr. Guise asked what the procedure is to get an amendment to the Act 537 Plan. Mr. Wakefield stated they have to ask the Supervisors for that.

Mr. Lighty asked if a yield plan was done. Ms. Moran stated it is not required in the AR zone.

Mr. Guise stated that they are short of the 10-acre minimum even though there are two lots. Mr. Wakefield stated that there are two separate parcels now, and there is a plan on the agenda for tonight to consolidate the two lots into one. Mr. Guise asked if Ms. Moran agreed that they will meet the open space requirement. Ms. Moran stated they meet it, and noted that Steve Stine said that if the lots are in common ownership it is okay for them to apply for the rezoning.

Mr. Lighty asked how many lots can be created if the applicant does not get the rezoning. Ms. Moran stated that if there is public sewer and public water, and the open space overlay was approved, he would be allowed 18 lots. If he did not get public sewer, they would need one-acre lots, so it would be less. If it were developed as AR without the open space overlay, the lots would be a minimum of 1.5 acres, so it might be 12-14 lots.

Mr. Neff stated that in the new SALDO, it says that wetlands and floodplains can only be counted as a percentage, and asked if that restraint is in the current ordinance.

Mr. Wakefield noted that the Township has the option to take the area over as recreational, but in discussions with the Parks and Recreation Department, they are not interested in it.

Mr. Neff asked if Bridle Road would take the same course if it were developed as AR and how many lots would be created. Mr. Wakefield stated the road would be the same, and with the frontage requirement, they would be allowed 7 lots.

Mr. Guise asked Mr. Millard if the testimony given tonight would change the County's view of this and the recommendation for disapproval. Mr. Millard speculated that it would not change the recommendation. The County's first issue regarding the 10 contiguous acres has been addressed. The one outstanding issue is the Township's Comprehensive Plan calls for this area to be agricultural residential, and the very recent zoning ordinance calls for this area to be agricultural residential. The zoning ordinance is consistent with the Comprehensive Plan. The County is very interested in supporting the Township's own documents.

Mr. Wakefield viewed this issue in that the Township regulates the overlay districts, and this is the spot for it. This meets the intent of this district and they can meet the requirements. Mr. Wakefield asked if it will not be done here, where it will be done.

Mr. Lighty stated that a rezoning is discretionary and an applicant has no right to it, but may convince the Township why it should be done. The last time the Township looked at that piece of land about nine months ago, they felt it should go from R-1 to AR. The applicant does have the right to ask for it, but has to convince the Township it is the best thing to do.

Mr. Wakefield felt the preservation of all of the wooded area was why the Township should rezone the land. Mr. Wakefield added that they will not only preserve the trees, they also protect the



contours and will not touch them. Mr. Wakefield stated he felt strongly about this issue. It will be a buffer to the homes to the north and south.

Mr. Millard stated that comment #1 says that the Comprehensive Plan calls for this area to be rural residential, and if it were rezoned it would not be consistent.

Mr. Millard noted that the area adjacent to this tract is R-1 and has public water and public sewer. Extending the area of R-1 with public utilities does make sense.

Comments #4 and #5 are no longer applicable.

The County recommended to not rezone the land because the current zoning is consistent with the Comprehensive Plan, and the rezoning request is not consistent. It is policy for the County to be consistent with the municipality's plans.

Mr. Lighty called for Public Comment.

Mr. Mark Levine, 1507 Knollcrest Lane, stated he attended the Workshop meeting last night and he saw an AR with an overlay. The problem is the developer wants to hook up to public sewer, and AR with an overlay does not allow that because of Act 537. Some or all of the Supervisors at the meeting preferred to have the homes connected to public sewer, and they do not want to see more sand mounds in Lower Paxton Township. They were satisfied with AR with the Open Space Overlay. They are looking to modify Act 537 to accommodate sewer hook-ups, or have another zoning designation for when a plot goes from AR to AR with an overlay it will then qualify for sewer hook-ups and wells. 18 houses on 19 acres looked real nice.

Mr. Mike Mazzacarro, Saratoga Builders and Developers, co-developer with Mr. Conjar for the site in question. Mr. Mazzacarro stated that Mr. Conjar bought the land in 2005 when it was R-1. Mr. Conjar contacted Mr. Mazzacarro about developing the land, so Mr. Mazzacarro contacted Mr. Blain. There had been previous studies done by the developer of Kings Crossing to extend into that piece of ground, but the owners could not agree on money. Mr. Blain's first comment was to bring the road straight in instead of the jog in the road. That would mean going through the volleyball courts in the park. Mr. Blain understood but felt it would be safer. Mr. Mazzacarro met May 10, 2005 with the Supervisors and they asked if the developer would compensate the Recreation Department if they bring the road through. Mr. Mazzacarro agreed to do that, and negotiated over and above the \$2,300 per lot fee. The end result was \$25,000 cash plus \$25,000-\$30,000 in work to the park. As this was being worked out, the zoning of the land went from R-1 to AR. They still continued to work out the details with the Supervisors. They went with Mr. Hornung to meet with PennDOT about street cut permits. At the last meeting, they realized that the Act 537 Plan had to be amended and that is why the plan was pulled from the agenda in February. Mr. Mazzacarro's opinion is that this is the most beneficial way to develop that piece of ground. The Supervisors applaud keeping as much of the area in trees as indicated on the plan. They are going out of their way to make that community compatible with everything around it.

Mr. Guise felt that this was a close decision, but felt the applicant has shown an adequate case of compliance and made a motion to recommend approval of the applicant for an amendment to the zoning ordinance to create the open space overlay district on this tract, with the understanding that there will be a legally enforceable mechanism to require the maximum possible preservation of the trees in the open space lot, and that the open space lot be in common ownership and not of the individual lot owners and that the other steps as discussed to provide public benefits be carried out. Mr. Gingrich seconded the motion.

Mr. Neff asked the zoning of the tract to the east. Ms. Moran stated it is AR. Mr. Neff noted that the Township spent a lot of time on the Comprehensive Plan and the Zoning Ordinance and established zones based on what they wanted to see based on the maturity of Lower Paxton Township of what the ultimate build-out will be. This is a case that the Planning Commission will be faced with again and again where the request is inconsistent with the plans of the Township. If approved, the next property will request the same thing and so on. Based on the property being absent from the Act 537 Plan, Mr. Neff intends to vote no.

Mr. Guise amended his motion to include that the approval be subject to the Act 537 Plan being amended to allow for public sewer. Mr. Gingrich agreed.

Mr. Lighty called for a roll call vote.

Mr. Beverly-Aye; Ms. Sibert-No; Mr. Neff-No; Mr. Guise-Aye; Mr. Gingrich-Aye; Mr. Newsome-No; and Mr. Lighty-Aye. The Planning Commission voted 4-3 in favor of recommending approval of the Rezoning Request for Lawrence Conjar at 6500 Union Deposit Road.

**Preliminary/Final Subdivision Plan #06-46**  
**Lawrence W. Conjar**

Ms. Moran stated that the Township has received a plan to consolidate two lots into one parcel for Lawrence W. Conjar. The properties are identified as 35-066-011 and 35-066-042. The property is located on Union Deposit Road west of Copperstone Road and is zoned AR, Agricultural Residential District and would consist of 19.08 acres.

The applicant requested waivers for preliminary plan requirement, requirement to submit an E & S plan, requirement to provide curb and sidewalk, and requirement to provide a stormwater management plan.

Mr. Tim Wakefield and Mr. Mike Mazzacarro were present on behalf of the plan.

Mr. Wakefield stated that the plan proposes to join a 9.56 acre lot and a 9.52 acre lot.

Mr. Wakefield noted that one of the HRG comments asked for clarity on the legal and dedicated right-of-way. The legal right-of-way is well within the dedicated right-of-way, in accordance with the regulations for a collector road. He will provide that clarity.

Mr. Lighty asked if the applicant could address the comments or if he had any problem with them. Mr. Wakefield stated he can comply with Township, County and HRG comments.

Mr. Millard noted that most of the County's comments have been addressed.

Mr. Snyder noted that note #6 relates to an HOP, and that does not apply to this plan.

Mr. Snyder asked to whom the right-of-way was dedicated. Mr. Wakefield stated it was offered to the Township, and never accepted. Mr. Snyder suggested removing that from the plan noting that the Township does not want to own a strip of land along a state road.

Mr. Snyder noted there is a small distance and bearing missing on each side. Mr. Snyder noted that some of the waivers do not apply. Mr. Wakefield agreed, and will remove #2, #3, and #5.

Mr. Neff noted that the northern boundary lot line does not close. Mr. Snyder explained the different lines shown on the plan.

Mr. Guise asked if a waiver of curb and sidewalk is needed even though no development is proposed with this plan. Mr. Snyder answered yes. Mr. Guise asked if a waiver of curb and sidewalk is desirable along Union Deposit Road when it appears that there are sidewalks nearby. Mr. Wakefield stated they intend to improve Union Deposit Road. Mr. Guise asked if the applicant will provide curb and sidewalk along Union Deposit Road when the property is developed. Mr. Wakefield did not have a problem with it, but noted there are some issues with the amount of widening and curbing. The adjacent property owner noted that there are no sidewalks along her property, only curbing. Mr. Wakefield stated he will go with the Commission's recommendation with regard to sidewalks.

Mr. Lighty asked Ms. DeMoranville for her preference with regard to curb and sidewalk. She stated it is not a safe place to walk and did not want sidewalks, but did think that curbing is a necessity. Ms. DeMoranville noted that her land is extremely wet and she invested \$3,500 in additional drainage to get water away from the house, and felt that sidewalks would be slippery in the winter. Ms. DeMoranville then stated that she did not want sidewalks on her property, but felt it was up to the developer whether he install sidewalks on his property next to hers. Mr. Wakefield stated they do intend to put sidewalks on Bridle Road. Mr. Snyder noted that there is a Bridle Road in Lower Paxton Township already.

Ms. DeMoranville asked about the right-of-way along her property. Mr. Wakefield stated that the legal right-of-way of Union Deposit Road in front of Kings Crossing and some of Union Deposit Road in front of Mr. Conjar's property is 33 feet.

Ms. DeMoranville asked how far the proposed road that meets Union Deposit Road will be from her property line. Mr. Lighty stated that is not shown on this plan, noting that is plan is only to combine two lots to make one to allow the rezoning to work. The land development plan will show more precise drawings about the 18 homes proposed. The plans shown tonight only show intent.

Mr. Guise made a motion to recommend approval of the lot consolidation #06-47 subject to addressing the comments, and recommend approval of the waiver of the preliminary plan requirement, waiver of the E&S submission requirement, waiver of the requirement to provide a stormwater management plan, and waiver of the requirement to provide sidewalk only along Union Deposit Road, and recommend disapproval of the waiver of the requirement to provide curb and recommend that the applicant be required to provide curb along Union Deposit Road at the time of development of the lot. Mr. Newsome seconded the motion and the plan was unanimously approved.

**Preliminary/Final Land Development Plan #07-02**  
**TNP Carwash**

Ms. Moran stated that the Township has received a plan for the construction of a carwash at the corner of Peiffers Land and Briarsdale Road. The property consists of approximately two acres, is zoned Commercial General, and will be served by public sewer and public water.

The applicant has requested a waiver of the preliminary plan submission, which staff supports, and for curb installation along Peiffers Lane, which staff does not support.

Dave Weihbrecht, Alpha Consulting Engineers, was present on behalf of the plan. Mr. Weihbrecht stated that entrance to the site will be one directional from Briarsdale Road and the exit will be on Peiffers Lane. They had originally requested a waiver for curbing on Peiffers Lane, but now understand that there is a hotel being constructed across Peiffers Lane, and withdraw that waiver request.

Mr. Weihbrecht noted that the ordinance requires that a carwash be on a minimum five-acre lot unless they can demonstrate that they can recycle the majority of the water. That recycling is detailed in their report submitted with the plan. Each wash will use 53 gallons of water and all but five gallons is recycled. Mr. Lighty expressed his appreciation for the package of information about the technology and details of carwashes. Mr. Newsome agreed.

Mr. Guise noted that a lot of comments were received on this plan, and asked if they have been addressed. Mr. Weihbrecht stated that they have not all been addressed, but he has reviewed them. This site was originally drained into the stormwater management system that was for the Members 1<sup>st</sup> lot. The applicant is intercepting the water and collecting it in an above-ground basin. A Planning Module will be required for this plan.

Mr. Guise asked about HRG comment #31. Mr. Weihbrecht stated that inlet goes to the same place that the flows from Members 1<sup>st</sup> go to.

Mr. Weihbrecht asked the Commission's preference over dedicating two and a half feet of right-of-way or requesting a waiver. They do not propose any widening except as required and the applicant will construct sidewalks on Peiffers Lane. Mr. Snyder felt that as long as there will be sufficient room between the curbline and the sidewalk to get sufficient green space, he would not have

a problem with a waiver. Mr. Weihbrecht stated there will be no problem getting the necessary improvements in that space.

Mr. Weihbrecht asked if there was any additional direction from the Commission that he should work on in addition to the comments for the next meeting. No Commissioners had additional comments.

Mr. Millard noted that his comment #6 asks for “do not enter” signs at the exit. Mr. Millard asked, with regard to comment #16, if there will be a problem getting from the place where you dry the cars to the vacuum areas. Mr. Weihbrecht answered no, because there is two way traffic between the building and the vacuums. It is more important to have as much room as possible in approach to the bays. The system is fully automated and includes a drying process, so most customers will not stop to dry further.

Mr. Snyder had no further comments.

Mr. Gingrich made a motion to table the plan to allow the applicant the opportunity to address the comments provided. Ms. Sibert seconded the motion and a unanimous vote followed.

## **NEW BUSINESS**

### **Final Subdivision Plan #07-03** **Chelsey Falls, Phase 2**

Ms. Wissler stated that Phase 2 of Chelsey Falls involves approximately 14.52 acres of land located south of Goose Valley Road. The tract is zoned R-1, Low Density Residential District, FP, Flood Plain Conservation District, and SS, Steep Slope Conservation District. Phase 2 is comprised of 19 single family dwelling lots and they will be served by public sewer and public water.

There were six waivers approved with the preliminary plan. Mr. Mark Jones, Navarro & Wright, was present on behalf of the plan.

Mr. Jones stated that the developer has acquired the Smith property to the north of the proposed road and has divided it into two lots, creating an additional two lots. There will be an additional EDU required, which will be obtained with a modification to the approved planning module.

Mr. Jones has received the comments from staff, County, CET and HRG and will have no problem meeting those requirements. County had a comment regarding lots 24 and 25, and they do meet the 90 foot width at the setback line.

There are four lots that will need to be served by a pump system, and they propose a similar system as proposed at another project.

Mr. Neff asked if the applicant is adding land to what was shown on the preliminary plan. Mr. Jones stated that the preliminary plan did not include the Smith property. Mr. Neff asked the engineer to identify the land. Mr. Jones stated it is shown as lots 32 and 33. There is a house there now and the developer will demolish it and create two additional lots.

Mr. Lighty asked staff if that change is material enough to require a revision to the preliminary plan. Ms. Wissler did not feel it was.

Mr. Snyder asked if the Smith's are party to the plan. Mr. Jones stated it is under agreement and the developer is equitable owner of the property.

Mr. Neff stated that Phase 1 is supposed to have internal sidewalks and does not yet. Mr. Jones was not involved in the plan at that time and was unable to speak to that issue. Mr. Jones will check that out with the developer. Ms. Wissler noted that they were only granted a waiver for Goose Valley Road.

Mr. Neff asked about the intersection at Goose Valley Road. There is a significant flooding problem. There is also an issue if a car gets inches off the paved road it will drop 3 ½ feet into a drainage ditch.

Mr. Jones stated that Mr. Snyder did talk to him about the 36" culvert under Goose Valley Road. They will look at that to see if it has adequate capacity to pass the flow. That should have been investigated in the stormwater management plan for the preliminary plan. Mr. Snyder stated he did an investigation for the Public Works Department and the pipe was found to be substantially undersized. Mr. Snyder did not know to what extent it would be addressed in Phase 2, but needed to bring it to the attention of the developer and Planning Commission. Mr. Jones was not opposed to working it out. Mr. Snyder stated HRG did the calculations and submitted it to the Public Works Director, and was willing to share that with Mr. Jones.

Mr. Jones stated that the stormwater management report was designed for the entire site and split up into phases. One of the basins feeds into that pipe system. The stormwater management report may have to be reevaluated if the culvert has some issues.

Mr. Neff noted that the curbs that were built down to Goose Valley Road were incorrect. That is what creates the very dangerous drop off. Mr. Jones will bring these issues to the attention of the developer and noted that these issues seem to be in Phase 1. Mr. Jones may have difficulty discussing problems with Phase 1 when they are working on Phase 2. Mr. Jones did not think the developer would be unwilling to correct the problems, but felt that he may not have been made aware of them.

There was no comment from the audience.

Mr. Newsome made a motion to recommend approval of the plan subject to the resolution of the comments and the issues raised by staff, consultants, and the Planning Commission. Mr. Beverly seconded the motion and a unanimous vote followed.

Mr. Newsome noted that the work that has not been completed will need to be enforced by the Township. Mr. Snyder stated that the work would be bonded, and there should be financial security so if the work is not done the developer's bond would be at risk.

**Preliminary/Final Land Development Plan #07-04**  
**Kusic Capital Group**  
**4800 Linglestown Road**

The Kusic Capital Group is proposing to construct a new one-story office building with 75 parking spaces. The tract, which consists of 4.329 acres, is zoned BC Business Campus District. The property is currently improved with a three-story office building with 107 parking spaces and will be served by public sewer and water.

Ms. Wissler noted that this plan was already before the Planning Commission and it was recommended for approval, the plan then went to the Board of Supervisors who approved the plan. The applicant did not respond to the approval letter within the 15-day time period, so the plan was deemed denied. The applicant has resubmitted the plans, and the comments are basically the ones that the plan was approved with. Mr. Ed Lupyak was present on behalf of the plan.

Mr. Guise asked if the proposed fire lane is adequate. Ms. Wissler answered yes.

Mr. Lupyak stated there was simply a clerical oversight, and the client agrees to the conditions of the approval.

Mr. Millard had no further comments, noting that most of his comments have been addressed.

There was no comment from the audience.

Ms. Sibert made a motion to recommend approval of the plan subject to the comments generated by Staff, County, and HRG. Mr. Beverly seconded the motion, and a unanimous vote followed.

**Preliminary/Final Land Development Plan #06-21**  
**Shuler All Pro Car Wash, Linglestown Road**  
and  
**Preliminary/Final Land Development Plan #06-37**  
**St. Thomas Roasters**

Mr. Lighty asked Mr. Wakefield to contact his clients and get them to give a status update on the plan or else the plan will be brought up with their current deficiencies and be recommended for denial. Mr. Wakefield agreed to do that.

**Public Comment**

There was no further public comment at this time.

**Adjournment**

Being no further business, the meeting adjourned at 9:30 pm.

The next regular Planning Commission meeting is scheduled for April 11, 2007 at 7:00pm at the Lower Paxton Township Municipal Center, Room 171.

The Planning Commission will conduct another workshop meeting on March 21, 2007 to continue discussion on the draft Subdivision and Land Development Ordinance at 6:00pm in Room 174 of the Lower Paxton Township Municipal Center, with a light meal at 5:30 pm.

The Planning Commission will take part in a joint workshop meeting with the Board of Supervisors on March 27, 2007 at 5:30pm to discuss the draft Subdivision and Land Development Ordinance, in Multi-Purpose Room A of the Lower Paxton Township Municipal Center, with a light meal at 5:00pm.

Respectfully Submitted,

Michelle Hiner  
Recording Secretary